MYSORE ACT No. LXI OF 1948.

THE SPECIAL ENQUIRY COMMITTEE ACT, 1948.

(AS AMENDED BY ACTS LXVI OF 1948 AND XLIV OF 1949)

(Promulgated by His Highness the Maharaja on the 4th day of September 1948.)

WHEREAS a Committee of Enquiry known as the Gopala Rao Enquiry Committee has been constituted by the Government, and the said Committee has been notified under section 3 of Act XXII of 1948, AND WHEREAS the said Committee has been functioning under the said Act (as amended by Act XXV of 1948 and Act LIII of 1948). AND WHEREAS the Committee has not yet concluded its labours:

AND WHEREAS the Emergency Act XXII of 1948 is about to expire, and it has therefore become necessary to promulgate a consolidated Act to enable the Committee to conclude its labours:—

[1][AND WHEREAS it is expedient to provide for the collection and equitable distribution of the properties relating to the transactions of B. N. Gopala Rao and for other purposes hereinafter appearing;]

His Highness the Maharaja is pleased to enact as follows:—

Short title, extent and commencement.

1. (1) This Act may be called "The Special Enquiry Committee Act, 1948".

(2) It extends to the [2][whole of the State of Mysore except Bellary District] and applies to all subjects of His Highness the Maharaja wherever they may be.

(3) It shall come into force at once.

Definitions.

2. In this Act, unless there is anything repugnant to the subject or context:

(*a*) "Committee" means the Gopala Rao Enquiry Committee constituted by Notification No. 6055 —C. B. 239-47-1, dated 25th February 1948.

1. Inserted by Act XLIV of 1949.
2. See the Mysore Adaptation of Laws Order, 1953.

(*b*) "Member of the Committee" includes also the Chairman of the Committee.

Constitution of the Committee.

3. The members at present constituting the Committee shall continue to be the members thereof; and any vacancy arising among the members from any cause whatsoever shall be filled up by the Government.

Place of Enquiry.

4. The Committee may sit at such place or places as it may decide upon.

Nature of proceedings before the Committee.

5. [1][(1)] The Committee may, in its discretion, conduct its proceedings either in the public or *in camera*; *provided*, however, that the Committee shall conduct the proceedings *in camera* where any person appearing or required to appear before it desires in writing that his examination should not be open to the public.

[2][(2) In respect of every proceeding before it, the Committee shall act in accordance with the principles of natural justice, equity and good conscience.]

Members of the Committee to be public servants.

6. Every member of the Committee and every officer or other person executing the orders of the Committee under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code as in force in Mysore.

Power to summon witnesses and documents.

7. (1) In respect of every proceeding before it, the Committee shall have the same powers as are vested in a Criminal Court under Chapters VI, VII and XL of the Code of Criminal Procedure, 1904, and under such other provision of law [2][and subject to such modifications] as may be notified from time to time by the Government in the official Gazette.

(2) Without prejudice to the powers vested in the Committee under sub-section (1) and notwithstanding anything to the contrary in any law for the time being in force, the Committee shall have, in respect of every proceeding before it, power to summon and compel the production of any document, whether confidential or otherwise, or any material object from any Court, Office, Institution, Authority or person whatsoever and shall in this behalf have also the powers specified in sub-section (1).

1. Section 5 renumbered as sub-section (1) by Act XLIV of 1949.
2. Inserted by Act XLIV of 1949.

(3) Sections 4 and 5 of the Bankers Books Evidence Act, 1902, shall apply to the proceedings before the Committee, and it shall be within the power of the Committee to make an order for the production of any books or documents of a Bank in the same manner as a Court.

Power to direct payment of excess amounts received from Gopala Rao.

[1] [**7 A.** (1) The Committee may as a result of the enquiry they have already held or may in their discretion hold hereafter, direct that any person who had any financial transaction with B. N. Gopala Rao shall pay to the Committee such amount as it may specify and thereupon any amount so specified shall be recoverable by such officer as the Committee may authorise in this behalf, as if it were an arrear of land revenue:

Provided that no person shall be directed to pay any amount under this sub-section in excess of what he has received from B. N. Gopala Rao over and above the amount paid by him to the said Gopala Rao.

(2) Any officer authorised by the Committee under sub-section (1) shall have all the powers of a Deputy Commissioner of a District under the Mysore Land Revenue Code, 1888, for purposes of recovery of the amount specified by the Committee.

(3) Notwithstanding anything contained in the Mysore Land Revenue Code, 1888, or any other law for the time being in force, no order of the officer authorised by the Committee under sub-section (1) shall be called in question in any manner whatsoever except by an appeal to the Committee.

Power in respect of insolvency proceedings of Gopala Rao.

7 B. (1) On the commencement of the Special Enquiry Committee (Amendment) Act, 1949, Insolvency Case No. 1 of 1946-47 on the file of the Additional District Judge, Bangalore Division, shall be deemed to have been transferred to the file of the Committee, and the said Insolvency Case and all proceedings connected with it shall, subject to the provisions of any law notified under sub-section (1) of section 7 and sub-section (5) of this section, be continued before the Committee; and save as herein contained none of the provisions of the Mysore Insolvency Act, 1925, (XI of 1925), shall apply to the proceedings before the Committee.

(2) Notwithstanding anything contained in any law for the time being in force, the whole of the property of

1. Inserted by Act XLIV of 1949.

B.N.Gopala Rao wherever situate shall vest in the Committee, and no creditor to whom the said Gopala Rao is indebted in respect of any debt whatsoever shall have any remedy against the property of the said Gopala Rao in respect of the debt except in accordance with sub-section (5) of this section.

(3) The Committee may, after such enquiry as it thinks fit, set aside any transfer or other disposal of any property made by B. N. Gopala Rao or by any other person who had any financial transactions with the said Gopala Rao, and thereupon notwithstanding anything to the contrary contained in any law for the time being in force,—

(i) the property transferred or disposed of by the said Gopala Rao shall vest in the Committee free from all rights, encumbrances and equities created by the said Gopala Rao or any other person;

(ii) the property transferred or disposed of by the said person who had financial transactions with the said Gopala Rao shall vest in the said person free from all rights, encumbrances and equities created by the said person or any other person; and such property shall be liable to be proceeded against by the officer authorised under sub-section (1) of section 7A of this Act:

Provided that if in the opinion of the Committee, the transfer of the property by the said Gopala Rao or other person was to a *bona fide* transferee for consideration, the transfer shall not be set aside without such compensation (not being less than the amount paid by the transferee as consideration for the transfer) to the transferee as the Committee may determine.

(4) The Committee shall have the power to sell any moveable or immoveable property which vests in it, and a purchaser to whom a certificate in that behalf is granted by an officer authorised by the Committee shall be deemed to be the owner of the property specified in such certificate.

(5) The Committee may, subject to such directions as may be given from time to time by the Government in this behalf, distribute the amount realised from the assets of B. N. Gopala Rao and from the sale of any moveable or immoveable property under sub-section (4) of this section

and any other amounts received or recovered by it from persons who had financial transactions with the said Gopala Rao, among such creditors or class of creditors of the said Gopala Rao and in such manner as the Committee deems fit.]

Power to punish in certain cases.

8. (1) The provisions of Chapters X and XI of the Indian Penal Code, as in force in Mysore, shall apply to the Committee as if it were a Court of Justice and to every proceeding before it as if it were a judicial proceeding.

(2) Where in respect of any proceeding before the Committee, any person does or omits to do any act, which if done or omitted to be done with reference to a public servant or a Court of Justice or a judicial proceeding would be an offence under any of the provisions of Chapter X or Chapter XI of the Indian Penal Code, as in force in Mysore, the Committee, notwithstanding any other provision of law, may itself take cognisance of, and try such person for, such offence, and may on conviction pass a sentence of imprisonment not exceeding six months or fine which may extend to Rs. 1,000 or both:

Provided, however, that in any case where the Committee is of opinion that the offender cannot be adequately punished by itself, it may adopt the procedure contained in Chapter XXXV of the Code of Criminal Procedure, 1904, as if it were a Court and the proceedings before it judicial proceedings, and the requirements of section 195 of the Code of Criminal Procedure, 1904, shall thereupon be deemed to have been complied with.

(3) In any trial by the Committee under the preceding sub-section, it shall, as far as may be, follow the procedure prescribed by Chapter XXI of the Code of the Criminal Procedure, 1904.

(4) In the event of any difference of opinion among the members of the Committee, the opinion of the majority shall prevail.

(5) Notwithstanding any provision in this Act to the contrary, any person, against whom action is taken by the Committee [1][under section 7A or sub-section (2) of this section, may of right be represented or defended, as the

1. Substituted by Act XLIV of 1949.

case may be, by a legal practitioner], and the proceedings shall be open to the public.

(6) Any order, conviction or sentence passed by the Committee under this section shall be final; and there shall be no appeal or revision or any other proceeding whatsoever against any such order, conviction or sentence to any Court or authority, except in the manner and to the extent prescribed in sub-section (7) hereof.

(7) Any person aggrieved by any order, conviction or sentence passed by the Committee [1][under section 7A or 7B or sub-section (2) of this section] may apply to the Government [2][x x x] for redress, and the Government may, taking all the circumstances into consideration, pass such order as it deems fit.

[3][Provided that an appeal against any order under section 7A or 7B shall be filed within fifteen days from the date of such order, while an appeal against any order, conviction or sentence under sub-section (2) of this section shall be filed within three months from the date of such order, conviction or sentence.]

Power to punish for contempt.

9. (1) The Committee shall have power to take cognisance of, investigate into and punish any person for, any contempt of the Committee with simple imprisonment which may extend to six months or with fine which may extend to Rs. 1,000 or with both.

(2) A person is said to commit contempt [2][x x x x] of the Committee, who, by words either spoken or written or by visible respresentation or otherwise obstructs or attempts to obstruct any proceedings of the Committee, or brings or attempts to bring the Committee, or any member thereof into hatred, ridicule or contempt, or lowers or attempts to lower the authority or prestige of the Committee or of any member thereof in respect of any of its proceedings.

Any person who makes or publishes an unfair comment regarding the proceedings of the Committee shall be deemed to obstruct its proceedings.

(3) Any order of punishment passed under the provisions of sub-section (1) hereof shall be final and there shall be

1. Substituted by Act XLIV of 1949.
2. Certain words omitted by Act XLIV of 1949.
3. Added by Act XLIV of 1949.

no appeal or revision or other proceeding against such order to any Court or authority:

Provided that the Government may, in its discretion, remit the whole or any portion of the punishment to which any person has been sentenced.

Jurisdiction of Committee.

10. (1) In proceedings under [1][sections 7A, 7B, 8 and 9] of this Act, the Committee shall be the sole judge to determine questions of fact and of law including those necessary to give it jurisdiction, and its decision shall be final.

(2) The Committee shall not be and shall be deemed never to have been subject to the superintendence and control of the High Court.

Penalty for publication of confidential matter.

11. (1) All information furnished to and all documents produced before the Committee in any proceeding which is held *in camera*, shall be treated as confidential.

(2) Any such information or contents of any document mentioned in sub-section (1) shall not be disclosed or published without the permission of the Government by any member of the Committee or by any other person.

(3) Any person contravening the provisions of this section shall, on complaint made by the Chief Secretary, with the sanction of the Government, or by any other person duly authorised by the Government in this behalf be tried by the District Magistrate, Bangalore (Urban) and on conviction shall be punishable with fine which may extend to Rs. 1,000.

Bar of suit.

12. No suit or other proceeding shall lie against the Committee or any member of the Committee for anything done or purported to be done in the course, or in respect, of any proceeding of the Committee.

Validation of prior proceedings.

13. All orders made, sentences passed and proceedings conducted by the Committee hitherto from the date of its constitution shall, notwithstanding any legal proceeding taken or instituted in regard thereto, be fully valid with retrospective effect and shall give effect to, provided that the Government may in its discretion remit the whole or part of any sentence passed by the Committee; and the

1. Substituted by Act XLIV of 1949.

provisions of section 12 hereof shall also apply to such orders, sentences and proceedings.

Power to make rules.

14. (1) The Government may make rules for carrying out the purposes of this Act.

(2) Without prejudice to the generality of the power conferred under sub-section (1) such rules may,—

(*a*) prescribe the agency by which processes issued by the Committee should be executed;

(*b*) prescribe the rates at which travelling and subsisting allowances may be paid to the witnesses appearing before the Committee to give evidence or to produce documents, and the source from which such cost has to be met.

Procedure of the Committee.

15. [1][(1)] Except as otherwise expressly provided in this Act, the Committee shall regulate its own procedure in all matters.

[2][(2) Notwithstanding anything contained in sections 2 and 3, any two members of the Committee may act as the Committee during the temporary absence of a third member.]

Report of the Committee.

16. (1) The Committee may submit interim reports from time to time and shall, on the conclusion of its labours, submit a final report to the Government of its investigations, its findings and conclusions on the matters referred to it, and it will be open to the Government to pass such orders and take such action thereon as it thinks fit, necessary or expedient.

(2) The Committee shall also, from time to time, promptly report to the Government all action taken by it under sections 8 and 9.

1. Section 15 renumbered as sub-section (1) by Act LXVI of 1948.
2. Inserted by Act LXVI of 1948.